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MAY 13 2004

LEXICON GENETICS INCORPORATED  
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THE WOODLANDS TX 77381-1160

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In re Application of  
Carl Johan Friddle et al  
Serial No.: 09/975,308  
Filed: October 11, 2001  
Attorney Docket No.: LEX-0252

PETITION DECISION

This is in response to the petition under 37 CFR 1.181, filed January 23, 2004, for withdrawal of abandonment of the above identified application based on filing of a timely reply. The delay in acting on this petition is regretted.

A review of the file history shows that applicants filed a Notice of Appeal on March 12, 2003, triggering a two month period for filing the Appeal brief. Applicants state that the Appeal Brief was filed on June 12, 2003, including a request for a one month extension of time and fee therefor. A Notice of Abandonment was mailed to applicants on November 18, 2003, when the Brief was not correlated with the file. The copy of the Brief supplied May 10, 2004, which completes the petition, has now been entered in the file. In view of the timely reply the Notice of Abandonment was mailed in error and is withdrawn and the application is restored to pending status with the mailing of this decision

The petition is **GRANTED**.

**The application will be forwarded to the examiner for further action.**

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number.

  
Jasemine C. Chambers  
Director, Technology Center 1600